

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

FILED
RICHARD W. NABBE
CLERK OF COURT

2020 NOV 16 AM 10:00

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

Eastern Division

2 2 0 C V 5 9 1 2

Case No.

(to be filled in by the Clerk's Office)

Zakaria Benzaoual, Seth Anane & Abeba Habtu

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

OhioHealth

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

HONORABLE JUDGE VASOURA

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Zakaria Benzaoual
Street Address	3114 Bethel Rd
City and County	Columbus
State and Zip Code	Ohio, 43220
Telephone Number	(614) 312 - 2193
E-mail Address	benzaoual2000@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

2 2 0 0 V 5 9 1 9

Plaintiff 2:

Name: Abeba Habtu
Street Address: 859 Leona Ave
City and County: Columbus, Franklin
State and Zip Code: Ohio, 43201
Telephone Number: (614) 214 – 6933
E-mail Address: able.habtu@gmail.com
Abeba Habtu

Plaintiff 3:

Name: Seth Anane
Street Address: 2935 Ironstone Dr.
City and County: Columbus, Franklin
State and Zip Code: Ohio, 43231
Telephone Number: (614) 327 - 9031
E-mail Address:
S-Anane

Defendant No. 1

Name

OhioHealth

Job or Title *(if known)*

Street Address

180 East Broad Street 34th Floor

City and County

Columbus, Franklin

State and Zip Code

Ohio, 43215

Telephone Number

(614) 566 - 5000

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Riverside Methodist Hospital
Street Address	3535 Olentangy River Road
City and County	Columbus, Franklin
State and Zip Code	Ohio, 43214
Telephone Number	(614) 566 - 5000

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: Discrimination

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Seth Anane: fired on 3/11/2016, Abeba Habtu: forced to quit 07/25/2017 & Zakaria Benzaoual: fired on 10/25/2019

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☒ color _____
- ☐ gender/sex _____
- ☒ religion _____
- ☒ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

04/13/2020

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 8/13/2020

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

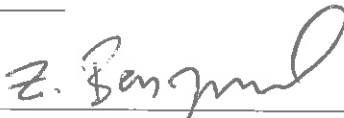
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/12/2020

Signature of Plaintiff

Printed Name of Plaintiff


ZAKARIA BENZAOUAL

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

My name is Zakaria Benzaoual and I worked for Ohiohealth for about 20 years. On Sept 29th, I worked from 3pm till 6:30 or 7:am of the 30th. Around 11:00am on Sept 30th, did not even had couple hours of sleep, I got a call from Elizabeth Theiss the manager to meet at 3:00pm. When I showed up to the meeting, I was told that I was suspended and under investigation for taking long breaks. Just to note that I did not take lunch on Sept 29th when I worked more than 15 hours on my own. On Oct 25th, Ohiohealth decided to terminate my employment on baseless claims. Just a week before this decision, Elizabeth Theiss presented my evaluation to me and did not have a single note of long break time. Because of prior discrimination allegations that I filed with HR and later with EEOC, Elizabeth Theiss who was fairly new to her position, was directed to make my work life miserable. They put me on the floor, doing two assignments simultaneously: answering the phone calls and replenishing supply rooms, each assignment is 8 hours of tasks and they expected me to do it in less time. Usually, in case of staff need, first we call the contingent employees to fill the assignment, then the coordinators and then the direct team lead of the shift. In my case, and since I was a 2nd shift team lead, I was not supposed to filling the assignment. They tried to change my work hours when they did not do the same to my counterparts. I was targeted even in the previous evaluation by being punished that I had ideas and was not sharing them with management. Also, I refused to be part of targeting other employees mainly from minorities and I refused to be a witness on bogus write ups. OhioHealth claims compassion and integrity as part of its core values, unfortunately, OhioHealth is a discriminator and worst place for somebody like me to work for simply because I look different.

Zakaria Benzaoual

COMPLAINANT AFFIDAVIT

Date: 07/25/2017

Re: Abeba Habtu Complaint of Discrimination and Retaliation

1. My name is: Abeba Habtu
2. My address is: 859 Leona Ave, Columbus, Ohio, 43201
3. My phone numbers is: Home: 614-291-9597, Cell: 614-214-6933
4. I report to Katrina Johnson my first-line supervisor.
5. I report to Colleen as my second-line supervisor.

Let me start by saying I have worked for Ohio Health for almost 19 years this September and have never been written up or put on any disciplinary action. Within the last four weeks I have been called to the office over 7 times and told to sign off on three bogus claims of lack of performance and wrote up three times. I was moved to a new department and a forced to take new employee training. I overall love my Ohio Health family but have had a stressful time with my current manager and have been singled out from my co-workers and retaliated against by the current manager Colleen and Katrina Johnson. I hope this complaint does not fall on deaf ears and swift action is taken and an investigation is held. I have been overly stressed and suffered deep anxiety due to the current manager. I do not wish to leave my job, but find it impossible to carry out my daily duties in such a hostile work place. I am afraid that my retirement is coming close and I will not be able to obtain my bonus after working twenty years.

A.H.

Almost a year ago I was told by Colleen to change departments and I did so. The nurses and Dr.'s wrote a note to have me switched back to the radiation department because they said that I am one of the best in the department and do a good job. Ever since that day the Manager Colleen has been trying her best to get rid of me and make my job a living Hell. Everyday I am being followed around and mislead to make mistakes.

I want to file a formal complaint of singled out and retaliation; I was singled out, and retaliated against for speaking with HR:

1. This nightmare all started after I went Human resources a few weeks ago and spoke with Mary Lacey to ask why I was being singled out from my group and told to move to a less desirable area alone to change bed sheets with out any proper justification. I wanted to know if it was related to performance or having FMLA. I knew Colleen hates the fact I have FMLA because she often asks why I take FMLA and always reply my disabled son, she rolls her eyes. It could not have been performance since I never had any writes up prior regarding my performance and the nurses in the VIR requested to have me returned along with a Dr. that wrote a letter saying the same. Mary said she would speak with the manager and get back to me in regards to my complaint. Within fifteen minutes of leaving the human resources department I was abruptly approached by Colleen and asked where did I go. I calmly replied the human resources department called me. She explained that I was to be written up, I refused to sign. This was the first time I was written up while leaving the human resource department. I asked the new manager Katrina why I was I being written up and she told me it was her manager Colleen who told her to write me up for walking away to speak to Human resources and not putting away the cart instead.

2. The following week I was also approached by Katrina and wrote up a second time for cleaning a room and leaving a book on the table. "For a book I replied." I called that department and they said there was no book left on the table. I also refused to sign.

3. The third week I was approached by the new manager Katrina again and told I was to be wrote up due to not putting a bed in a room. When asked, I said that I was told by house keeping that they did not want a bed.

4. On July,25,0217 the same week I was called the office again. I was told I couldn't leave work until my work is complete. I said the workload is unrealistic to complete within the given time frame.

DECLARATION

I, the undersigned, declare under penalty of perjury that the statements made in the above affidavit are true and correct to the best of my knowledge, information, and belief.

A.H

Abeba Habtu



07/25/2017

Date

TO WHOM I MAY CONCERN

Hello,

My name is Seth Anane, I used to work at Riverside Hospital for 18 years. I was a very dedicated employee at Riverside Hospital. My manager fired me on March 11th, 2016. His reason was I disrespected an employee at the gift shop and that wasn't true. What actually happened was some employees came into the department supply and distribution to borrow a cart but they never brought it back. So I asked my team leader Bill if I can go bring the cart back and he said yes. I was on my way to the cafeteria to get my breakfast and I stopped at the gift shop and asked the employees about the cart. One of the employees said they were still using it but I told her my team leader Bill said I should bring the cart back when they finished because she didn't bring the cart back after she finished last time. After that day I left work.

The next day I came to work. I was upstairs working and another team leader named Sarah Vince told me that Eric the manager said I should stop working and come to his office. So I came down to our department and saw a security guard sitting inside his office. The security guard told me to sit down. After I sat down he told me I was fired because I disrespected an employee at the gift shop and I should go get my stuff and leave the hospital. I called our director, her name is Colleen and I told her Eric has fired me. She was upset and said this is ridiculous he can't fire you without my permission. She told me to go to human resources to report my case to them. I went to human resources and they told me they were going to do an investigation.

After that, they sent a letter after 6 months saying I should go to the OhioHealth Office downtown to meet them. I went downtown and they told me they have talked to my manager. They told me he said I can't come work with him in the same department again. The people at the OhioHealth Office told me there is nothing they can do because my manager already made his decision.

During my experience with this manager, he was racist to me and he also hated me for no reason. He tried multiple times to get me fired but because of my attendance and dedication at my job he wasn't able to. My manager never told me the exact words I used to disrespect the employees and what exactly I did wrong to get me fired from a job at work for 18 years.

S. Anane

Relief

Intangible compensation:

1. The disclosure of all written reports and policy that were applied in our cases.
2. OhioHealth admits its wrong doing and formally apologize to us and posts it on its website.
3. OhioHealth allows its associates to organize under worker union body that can protect and act on behalf of employees when cases of discrimination or any type of issues may arise.
4. Delete the 'Equal Opportunity Employer' from its website.
5. Create and fund an anti-discrimination advocacy group that can watch over any investigation of discrimination nature led by OhioHealth HR.

Tangible compensation:

1. Compensated for 20 years of lies of so-called OhioHealth core values and professional damage:
Compassion, Excellence, Inclusion, Integrity, Stewardship and Equal Opportunity Employer for \$1,000,000.00 each for each of us.
Total compensation of \$18,000,000.00
2. Psychological and emotional damage to us and our families for 20 years:
\$1,000,000.00 per year for 20 years of service which is a total of \$20,000,000.00
3. \$400,00 court filing fee.
Total compensation of: \$38,000,400.00.

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Zakaria Benzaoual**
3088 Bethel Rd
Columbus, OH 43220

From: **Cleveland Field Office**
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

532-2020-01645

Elmeaco J. Mallory,
Investigator

(216) 522-7657**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



8/13/2020

Enclosures(s)

Dana R. Hutter,
Deputy Director

(Date Mailed)

cc:

Tara Aschenbrand
Human Resource Director
OHIOHEALTH CORP
180 East Broad St
34th Floor
Columbus, OH 43215

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for **willful violations**) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.